

Fred W. Schwinn (SBN 225575)  
CONSUMER LAW CENTER, INC.  
12 South First Street, Suite 1014  
San Jose, California 95113-2418  
Telephone Number: (408) 294-6100  
Facsimile Number: (408) 294-6190  
Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff  
BETTY JEAN NAPIER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

BETTY JEAN NAPIER,

Plaintiff,

v.

TITAN MANAGEMENT SERVICES, LLC,  
a Georgia limited liability company, and  
FREDERICK ALLEN HOWARD,  
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**REQUEST FOR ENTRY OF  
DEFAULT AGAINST DEFENDANT,  
TITAN MANAGEMENT SERVICES,  
LLC**

TO: CLERK OF THE DISTRICT COURT:

Please enter a default in this matter against Defendant, TITAN MANAGEMENT SERVICES, LLC, on the ground that said party has failed to plead or otherwise defend this action within the time prescribed by the Federal Rules of Civil Procedure. Specific facts supporting the entry of default are set forth in the accompanying declaration of counsel.

CONSUMER LAW CENTER, INC.

Dated: April 2, 2008

By: /s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.  
Attorney for Plaintiff  
BETTY JEAN NAPIER

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Attorney for Plaintiff  
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BETTY JEAN NAPIER,

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**DECLARATION OF COUNSEL IN  
SUPPORT OF ENTRY OF DEFAULT  
AGAINST DEFENDANT, TITAN  
MANAGEMENT SERVICES, LLC**

[Fed. R. Civ. P. 55(a)]

FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an attorney and counselor at law, duly admitted to practice before this Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I have personal knowledge of the matters stated in this declaration.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendant, TITAN MANAGEMENT SERVICES, LLC, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in support of this application do show that:

a. Defendant was personally served, through its agent for service of process, with copies of Plaintiff's Summons and Complaint as provided by Rule 4(c)(1), Federal Rules of Civil Procedure;

b. Upon Plaintiff's information and belief, Defendant, being a Georgia

1 limited liability company with its principal place of business in  
2 Duluth, Georgia, is neither an infant nor an incompetent person  
3 requiring special service in accordance with Rule 4(g), Federal Rules  
4 of Civil Procedure, and is not serving with the armed forces of the  
5 United States entitled to the protection of 50 U.S.C. App. Section  
6 520;

7 c. Defendant has neither answered nor otherwise responded formally to  
8 Plaintiffs's Summons and Complaint, and the time to do so, as  
9 provided in Rule 12(a), Federal Rules of Civil Procedure, has  
10 expired;

11 d. Copies of this Declaration and the Request for Entry of Default,  
12 seeking entry of default, which are being filed herewith, have this  
13 date been served upon Defendant by regular mail, postage prepaid.

14 Executed on April 2, 2008, at San Jose, California.

15 /s/ Fred W. Schwinn  
16 Fred W. Schwinn, Esq.  
17 Attorney for Plaintiff  
18 BETTY JEAN NAPIER  
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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 BETTY JEAN NAPIER,

12 Plaintiff,

13 v.

14 TITAN MANAGEMENT SERVICES, LLC,  
15 a Georgia limited liability company, and  
16 FREDERICK ALLEN HOWARD,  
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**ENTRY OF DEFAULT AGAINST  
DEFENDANT, TITAN  
MANAGEMENT SERVICES, LLC**

17 It appears from the record that the following defendant failed to plead or otherwise  
18 defend in this case as required by law.

19  
20 Name:

TITAN MANAGEMENT SERVICES, LLC

21  
22 Therefore, default is entered against the defendant as authorized by Fed R. Civ. P. 55(a).  
23  
24

25 \_\_\_\_\_  
Clerk of the Court

26 By: \_\_\_\_\_  
Deputy Clerk

27 \_\_\_\_\_  
Date

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Attorney for Plaintiff  
BETTY JEAN NAPIER

**IN THE UNITED STATES DISTRICT COURT  
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BETTY JEAN NAPIER,

Plaintiff,

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Case No. C08-00910-RS

**CERTIFICATE OF SERVICE  
BY MAIL**

STATE OF CALIFORNIA )  
 ) ss:  
COUNTY OF SANTA CLARA )

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within entitled cause. My business address is 12 South First Street, Suite 1014, San Jose, California 95113-2418. On April 2, 2008, I served the following:

1. REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT, TITAN MANAGEMENT SERVICES, LLC
2. DECLARATION OF COUNSEL IN SUPPORT OF ENTRY OF DEFAULT AGAINST DEFENDANT, TITAN MANAGEMENT SERVICES, LLC
3. ENTRY OF DEFAULT AGAINST DEFENDANT, TITAN MANAGEMENT SERVICES, LLC

on the interested parties in said cause, by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid thereon and depositing it in the United States mail at San Jose, California

1 addressed as follows:

2 **DEFENDANT:**

3 Titan Management Services, LLC  
4 c/o Frederick Allen Howard, Agent for Service  
5 2160 Satellite Boulevard, Suite 350  
6 Duluth, GA 30097-4074

7 I declare under penalty of perjury that the foregoing is true and correct and that this  
8 declaration was executed at San Jose, California on April 2, 2008.

9 /s/ Fred W. Schwinn